

IN THE SENATE

SENATE BILL NO. 1012

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO THE IDAHO DEPREDATING WILDLIFE APPEALS BOARD; AMENDING TITLE 22,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 55, TITLE 22, IDAHO CODE, TO
3 ESTABLISH PROVISIONS REGARDING THE IDAHO DEPREDATING WILDLIFE APPEALS
4 BOARD; AMENDING SECTION 74-203, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR
5 THE IDAHO DEPREDATING WILDLIFE APPEALS BOARD FROM OPEN MEETING REQUIRE-
6 MENTS; AMENDING SECTION 36-1109, IDAHO CODE, TO PROVIDE FOR THE IDAHO
7 DEPREDATING WILDLIFE APPEALS BOARD AND TO MAKE TECHNICAL CORRECTIONS;
8 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 55, Title 22, Idaho Code, and to read as follows:

14 CHAPTER 55

15 Idaho Depredating Wildlife Appeals Board

16 22-5501. IDAHO DEPREDATING WILDLIFE APPEALS BOARD. (1) There is
17 hereby created the Idaho depredating wildlife appeals board in the office
18 of the governor. The purpose of the board is to provide an appeal option for
19 individuals who have suffered losses or damages from depredating wildlife
20 but received a determination that such depredation could not be confirmed
21 following the initial investigation. For purposes of this section, depre-
22 dating wildlife includes grizzly bears, black bears, mountain lions, and
23 wolves. The Idaho state department of agriculture, in consultation with
24 the department of fish and game, is authorized to carry out the purposes of
25 this section. The Idaho depredating wildlife appeals board shall consist of
26 three (3) members representing the following executive agencies and profes-
27 sional expertise:

28 (a) The director of the Idaho state department of agriculture or the di-
29 rector's authorized designee;

30 (b) The director of the Idaho department of fish and game or the direc-
31 tor's authorized designee; and

32 (c) A large animal veterinarian appointed by the governor.

33 (2) The office of species conservation shall receive appeal requests
34 from appellants and coordinate meetings with the Idaho depredating wildlife
35 appeals board.

36 (3) The board shall consider all forms of evidence submitted by the ap-
37 pellant related to the depredation event, including but not limited to:

38 (a) Testimony of the affected individual;

39 (b) Testimony of the initial investigator;

40 (c) The initial investigator's report;

41 (d) Eyewitness testimony;

- 1 (e) Telemetry data;
- 2 (f) Photographs and video footage;
- 3 (g) Trapping and hunting reports from the past six (6) months;
- 4 (h) Previous depredation incidents in the area; and
- 5 (i) Expert analysis.

6 (4) The board shall make a ruling based on submitted evidence and, if
7 justified, amend the original determination based on a majority vote of the
8 board. The decision of the board shall be final and binding for the purpose
9 of receiving compensation for depredation.

10 (5) Any ruling made by the Idaho depredating wildlife appeals board of
11 confirmed depredation shall be counted toward official counts of depreda-
12 tion incidents.

13 (6) The board shall be considered a state authorized investigator but
14 shall only serve as an appeal to the initial investigation.

15 (7) Meetings of the board shall not be subject to the provisions of
16 chapter 2, title 74, Idaho Code.

17 (8) Initial investigators of depredation incidents from depredating
18 wildlife shall inform individuals of their right to appeal any ruling to the
19 Idaho depredating wildlife appeals board in writing.

20 SECTION 2. That Section 74-203, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1)
23 Except as provided below, all meetings of a governing body of a public agency
24 shall be open to the public and all persons shall be permitted to attend any
25 meeting except as otherwise provided by this act. No decision at a meeting of
26 a governing body of a public agency shall be made by secret ballot.

27 (2) Deliberations of the board of tax appeals created in chapter 38, ti-
28 tle 63, Idaho Code, the public utilities commission and the industrial com-
29 mission in a fully submitted adjudicatory proceeding in which hearings, if
30 any are required, have been completed, and in which the legal rights, duties
31 or privileges of a party are to be determined are not required by this act to
32 take place in a meeting open to the public. Such deliberations may, however,
33 be made and/or conducted in a public meeting at the discretion of the agency.

34 (3) Meetings of the Idaho life and health insurance guaranty associa-
35 tion established under chapter 43, title 41, Idaho Code, the Idaho insurance
36 guaranty association established under chapter 36, title 41, Idaho Code, ~~and~~
37 the surplus line association approved by the director of the Idaho depart-
38 ment of insurance as authorized under chapter 12, title 41, Idaho Code, and
39 the Idaho depredating wildlife appeals board established under chapter 55,
40 title 22, Idaho Code, are not required by this act to take place in a meeting
41 open to the public.

42 (4) A governing body shall not hold a meeting at any place where dis-
43 crimination on the basis of race, creed, color, sex, age or national origin
44 is practiced.

45 (5) All meetings may be conducted using telecommunications devices
46 which enable all members of a governing body participating in the meeting
47 to communicate with each other. Such devices may include, but are not lim-
48 ited to, telephone or video conferencing devices and similar communications
49 equipment. Participation by a member of the governing body through telecom-

1 communications devices shall constitute presence in person by such member at
 2 the meeting; provided however, that at least one (1) member of the govern-
 3 ing body, or the director of the public agency, or the chief administrative
 4 officer of the public agency shall be physically present at the location
 5 designated in the meeting notice, as required under section 74-204, Idaho
 6 Code, to ensure that the public may attend such meeting in person. The com-
 7 munications among members of a governing body must be audible to the public
 8 attending the meeting in person and the members of the governing body.

9 SECTION 3. That Section 36-1109, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN
 12 LIONS -- COMPENSATION FOR DAMAGE. (a) Prevention of depredation shall be a
 13 priority management objective of the department, and it is the obligation of
 14 landowners to take all reasonable steps to prevent property loss from black
 15 bears, grizzly bears or mountain lions or to mitigate damage by such. The
 16 director, or his representative, will consult with appropriate land manage-
 17 ment agencies and ~~landusers~~ land users before transplanting or relocating
 18 any black bear, grizzly bear or mountain lion.

19 (b) When any black bear, grizzly bear or mountain lion has done damage
 20 to or is destroying livestock on public, state, or private land, whether
 21 owned or leased, or when any black bear or grizzly bear has done damage
 22 to or is destroying berries, bees, beehives or honey on private land, the
 23 owner or his representative of such livestock shall, for the purposes of
 24 filing a claim, report such loss to a representative of the U.S. department
 25 of agriculture animal plant and health inspection services/animal damage
 26 control (APHIS/ADC) who shall, within seventy-two (72) hours, investigate
 27 the conditions complained of. For purposes of this section, livestock shall
 28 be defined as domestic cattle, sheep, and goats. For purposes of this sec-
 29 tion, grizzly bear shall be defined as any grizzly bear not protected by
 30 the federal endangered species act. If it appears that the complaint is
 31 well-founded and livestock, berries, bees, beehives or honey of the com-
 32 plainant has been damaged or destroyed by such black bear, grizzly bear or
 33 mountain lion, APHIS/ADC shall so inform the owner or his representative, in
 34 writing, of the extent of physical damage or destruction in question and of
 35 the option to appeal through the Idaho depredating wildlife appeals board,
 36 as provided in section 22-5501, Idaho Code. The owner shall provide the
 37 director or the department's regional office with the APHIS/ADC or Idaho
 38 depredating wildlife appeals board determination of damages or destruction.
 39 The physical damages, without establishing a monetary value thereon, as de-
 40 termined by the APHIS/ADC representative or the Idaho depredating wildlife
 41 appeals board, if the determination is so appealed, shall be final, and shall
 42 be binding upon the owner or his representative and on the department.

43 (c) Any claim for damages must be in written form, shall be in the form
 44 of a claim for damages substantially the same as required in section 6-907,
 45 Idaho Code, shall be attested to by the claimant under oath, and the claim
 46 shall be for an amount of at least one thousand dollars (\$1,000) in damages
 47 per occurrence. The department shall prepare and make available suitable
 48 forms for claims for damages. Claims may be submitted only for the fiscal
 49 year (July 1 through June 30) in which they occurred. Any person submitting

1 a fraudulent claim shall be prosecuted for a felony as provided in section
2 18-2706, Idaho Code.

3 1. Upon receipt by the department, the department shall review the
4 claim, and if approved, pay it as provided in section 36-115, Idaho
5 Code. Failure on the part of the owner or representative to allow
6 on-site access shall negate the claim for damages.

7 2. If the department accepts the claim for damages as submitted by the
8 owner or his representative, the department may approve the claim for
9 payment, or may make a ~~counter offer~~ counteroffer. If the owner or his
10 representative rejects the department's ~~counter offer~~ counteroffer,
11 this rejection or refusal must be in writing and submitted within five
12 (5) business days. The value of the damage or destruction will then be
13 determined pursuant to the provisions of subsection (b)3. of section
14 36-1108, Idaho Code, and, in circumstances so provided for by the provi-
15 sions of subsection (b)3. of section 36-1108, Idaho Code, pursuant to
16 the provisions of subsection (b)4. of section 36-1108, Idaho Code. Any
17 claim received by the department under the provisions of this section
18 must be processed by the department within sixty (60) calendar days of
19 receipt. If the claim is approved for payment, the claim must be imme-
20 diately forwarded to the department of administration for payment. Any
21 damage claim determination by an independent insurance adjuster, ac-
22 cepted by the parties, must be paid by the department within forty-five
23 (45) days of the determination. If the claim is arbitrated, the arbi-
24 tration must be completed within one hundred eighty (180) days of filing
25 the claim for such damages.

26 SECTION 4. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2025.